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85. (Once Amended) An article of manufacture as defined in claim 70 wherein the aggregate economic profiles of the elevators are based at least in part upon cost and risk associated with the farms associated with the elevators.

86. (Once Amended) An article of manufacture as defined in claim 70 wherein the aggregate economic profiles of the loaders are based at least in part upon cost and risk associated with the farms associated with the loaders.

REMARKS

The undersigned received a phone call from the examiner on June 9, 2003. In that phone call, the examiner indicated that all claims were patentable over the art, but that the forms of independent claims 18 and 69 should be amended to make it clear that only statutory subject matter was being claimed. Accordingly, the applicants are hereby amending claims 18-35 and 69-86 such that those claims are now written in Bearguard format. Thus, all claims are now in condition for allowance.

With the exception of changing the type of the claims from method claims to article of manufacture claims, the amendments made herein are either broadening or are merely clarifying in that the amended claims are intended to state the same thing as the claim prior to amendment (i.e., to have the same scope both before and after the amendments) in a manner consistent with the new style of the claim language. Consequently, these broadening or clarifying amendments do not give rise to prosecution history estoppel or limit the scope of equivalents of the claims under the doctrine of equivalents. The

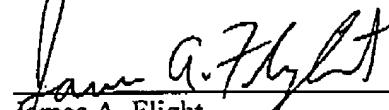
only estoppel that attaches is that the claims are article of manufacture claims,
not method claims.

If the Examiner is of the opinion that a telephone conference
would expedite the prosecution of this case, the Examiner is invited to contact
the undersigned at the number identified below.

Respectfully submitted,

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MARKED UP VERSION OF AMENDED CLAIMS

18. (Twice Amended) An article of manufacture storing machine readable instructions which, when executed by a machine, cause the machine to [A method for selecting farms to grow a crop of interest comprising]:

[developing] develop a set of farms capable of growing [the] a crop of interest, the set of farms including a first farm associated with a first farmer and a second farm associated with a second farmer;

[estimating] estimate profits to be earned by farms in the set of farms for growing at least one crop which is different from the crop of interest;

[determining] determine possible offers to be made to the farms in the set of farms based at least in part upon the estimated profits to be earned for growing the at least one crop which is different from the crop of interest; and

[selecting] select farms from the set of farms to receive an offer to grow the crop of interest.

19. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein the machine readable instructions cause the machine to select [selecting] farms [is] based upon at least one of: the estimated profits [developed by the offer developer], risk estimations associated with the farms in the set of farms, profit to be earned by an agricultural company, price to be charged consumers, transportation cost for transporting the crop of interest from a farm to a predefined location; transportation cost for transporting the crop of interest from a farm to a loader; transportation cost for transporting the crop of interest from a farm to an elevator; transportation cost for transporting the crop of interest from an elevator to the predefined location; transportation cost for transporting the crop of interest from a loader to the predefined location; aggregate economic

profiles of elevators associated with the farms in the set of farms; and aggregate economic profiles of loaders associated with the farms in the set of farms.

20. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein the machine readable instructions cause the machine to develop [developing] the set of farms [is performed] by considering at least one of: elevator capability to handle the crop of interest, loader capability to handle the crop of interest, farm capability to grow the crop of interest, farm capability to grow a predefined quantity of the crop of interest, and farm capability to grow the crop of interest within a predetermined schedule.

21. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein the machine readable instructions cause the machine to develop [developing] the set of farms [is performed] by accessing a database.

22. (Once Amended) An article of manufacture [A method] as defined in claim 21 wherein the database comprises at least one of: (a) a product database containing data indicative of types of products that may be grown by a farm, (b) an elevator database containing data indicative of types and quantities of products that may be handled by an elevator; (c) a loader database containing data indicative of types and quantities of products that may be handled by a loader; (d) a product market database containing data indicative of sales prices of types of products; (e) a transportation market database containing data indicative of transportation costs for transporting goods between geographic locations; (f) a transportation database containing data indicative of types of transportation available for transporting a product

from at least one of a farm, an elevator and a loader; and (g) a farm database containing data indicative of at least one of agronomic characteristics of a farm and geographic information concerning a farm.

23. (Once Amended) An article of manufacture [A method] as defined in claim 22 wherein at least one of the at least one database comprises an on-line database.

24. (Once Amended) An article of manufacture [A method] as defined in claim 22 wherein at least one of the at least one database comprises a local database.

25. (Once Amended) An article of manufacture [A method] as defined in claim 23 wherein the on-line database comprises an on-line exchange.

26. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein the machine readable instructions cause the machine to develop [developing] the set of farms [further comprises] by:
identifying elevators/loaders that cannot handle the crop of interest;
eliminating farms from the set of farms that are associated with only the elevators/loaders that cannot handle the crop of interest; and
eliminating farms that cannot grow the crop of interest from the set of farms.

27. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein the machine readable instructions cause the machine to estimate [estimating] profits [further comprises] by:

estimating a profit that a farm in the set of farms can expect to earn by growing the at least one crop which is different from the crop of interest; and selecting a most profitable crop for the farm from the at least one crop which is different from the crop of interest.

28. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein the machine readable instructions cause the machine to determine [determining] possible offers [further comprises] by:

estimating a quantity of the crop of interest to be produced by a farm of interest in the set of farms; and

developing a price to be offered the farm of interest to grow the estimated quantity of the crop of interest.

29. (Twice Amended) An article of manufacture [A method] as defined in claim 28 wherein the machine readable instructions cause the machine to determine [determining] possible offers [further comprises] by:

identifying a risk factor associated with the farm of interest; and

adjusting the price to be offered the farm of interest to grow the quantity of the crop of interest based at least in part upon the risk factor.

30. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein the machine readable instructions cause the machine to select [selecting] farms [further comprises] by:

selecting a preferred set of farms from the set of farms based on at least one of: (i) a risk factor, (ii) an expected profit, and (iii) an expected quantity;

developing an aggregate economic profile for each elevator/loader associated with a farm in the preferred set of farms; and

selecting farms to receive an offer to grow the crop of interest based on the developed aggregate economic profiles and the quantity of the crop of interest to be grown .

31. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein the machine readable instructions cause the machine to estimate [estimating] profits [further comprises] by estimating the profits to be earned by farms in the set of farms for growing the at least one crop which is different from the crop of interest based upon at least one current market price.

32. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein, for a farm in question associated with more than one elevator/loader, the machine readable instructions cause the machine to determine [determining] possible offers [comprises] by determining the possible offer based upon the elevator/loader with a highest relative profit to be earned by the farm in question.

33. (Twice Amended) An article of manufacture [A method] as defined in claim 18 wherein the machine readable instructions cause the machine to determine [determining] possible offers [is] based in part upon at least one risk factor and profits to be earned by the farms in growing the crop of interest.

34. (Once Amended) An article of manufacture [A method] as defined in claim 19 wherein the aggregate economic profiles of the elevators are based at least in part upon cost and risk associated with the farms associated with the elevators.

35. (Once Amended) An article of manufacture [A method] as defined in claim 19 wherein the aggregate economic profiles of the loaders are based at least in part upon cost and risk associated with the farms associated with the loaders.

69. (Once Amended) An article of manufacture storing machine readable instructions which, when executed by a machine, cause the machine to [A method for selecting farms to grow a crop of interest comprising]:

[developing] develop a set of farms capable of growing the crop of interest;

[estimating] estimate profits to be earned by farms in the set of farms for growing at least one crop which is different from the crop of interest;

[determining] determine possible offers to be made to the farms in the set of farms based at least in part upon the estimated profits to be earned for growing the at least one crop which is different from the crop of interest; and

[selecting] select farms from the set of farms to receive a contractual offer to grow the crop of interest.

70. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein the machine readable instructions cause the machine to select [selecting] farms [is] based upon at least one of: the estimated profits [developed by the offer developer], risk estimations associated with the farms in the set of farms, profit to be earned by an agricultural company, price to be charged consumers, transportation cost for transporting the crop of interest from a farm to a predefined location; transportation cost for transporting the crop of interest from a farm to a loader; transportation cost for transporting the crop of interest from a farm to an elevator; transportation cost for transporting the crop of interest from an

elevator to the predefined location; transportation cost for transporting the crop of interest from a loader to the predefined location; aggregate economic profiles of elevators associated with the farms in the set of farms; and aggregate economic profiles of loaders associated with the farms in the set of farms.

71. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein the machine readable instructions cause the machine to develop [developing] the set of farms [is performed] by considering at least one of: elevator capability to handle the crop of interest, loader capability to handle the crop of interest, farm capability to grow the crop of interest, farm capability to grow a predefined quantity of the crop of interest, and farm capability to grow the crop of interest within a predetermined schedule.

72. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein the machine readable instructions cause the machine to develop [developing] the set of farms [is performed] by accessing a database.

73. (Once Amended) An article of manufacture [A method] as defined in claim 72 wherein the database comprises at least one of: (a) a product database containing data indicative of types of products that may be grown by a farm, (b) an elevator database containing data indicative of types and quantities of products that may be handled by an elevator; (c) a loader database containing data indicative of types and quantities of products that may be handled by a loader; (d) a product market database containing data indicative of sales prices of types of products; (e) a transportation market database containing data indicative of transportation costs for transporting

goods between geographic locations; (f) a transportation database containing data indicative of types of transportation available for transporting a product from at least one of a farm, an elevator and a loader; and (g) a farm database containing data indicative of at least one of agronomic characteristics of a farm and geographic information concerning a farm.

74. (Once Amended) An article of manufacture [A method] as defined in claim 72 wherein at least one of the at least one database comprises an on-line database.

75. (Once Amended) An article of manufacture [A method] as defined in claim 72 wherein at least one of the at least one database comprises a local database.

76. (Once Amended) An article of manufacture [A method] as defined in claim 74 wherein the on-line database comprises an on-line exchange.

77. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein the machine readable instructions cause the machine to develop [developing] the set of farms [further comprises] by:
identifying elevators/loaders that cannot handle the crop of interest;
eliminating farms from the set of farms that are associated with only the elevators/loaders that cannot handle the crop of interest; and
eliminating farms that cannot grow the crop of interest from the set of farms.

78. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein the machine readable instructions cause the machine to estimate [estimating] profits [further comprises] by:

estimating a profit that a farm in the set of farms can expect to earn by growing the at least one crop which is different from the crop of interest; and

selecting a most profitable crop for the farm from the at least one crop which is different from the crop of interest.

79. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein the machine readable instructions cause the machine to determine [determining] possible offers [further comprises] by:

estimating a quantity of the crop of interest to be produced by a farm of interest in the set of farms; and

developing a price to be offered the farm of interest to grow the estimated quantity of the crop of interest.

80. (Once Amended) An article of manufacture [A method] as defined in claim 79 wherein the machine readable instructions cause the machine to determine [determining] possible offers [further comprises] by:

identifying a risk factor associated with the farm of interest; and

adjusting the price to be offered the farm of interest to grow the quantity of the crop of interest based at least in part upon the risk factor.

81. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein the machine readable instructions cause the machine to select [selecting] farms [further comprises] by:

selecting a preferred set of farms from the set of farms based on at least one of: (i) a risk factor, (ii) an expected profit, and (iii) an expected quantity;

developing an aggregate economic profile for each elevator/loader associated with a farm in the preferred set of farms; and

selecting farms to receive a contractual offer to grow the crop of interest based on the developed aggregate economic profiles and the quantity of the crop of interest to be grown .

82. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein the machine readable instructions cause the machine to estimate [estimating] profits [further comprises] by estimating the profits to be earned by farms in the set of farms for growing the at least one crop which is different from the crop of interest based upon at least one current market price.

83. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein, for a farm in question associated with more than one elevator/loader, the machine readable instructions cause the machine to determine [determining] possible offers [comprises] by determining the possible offer based upon the elevator/loader with a highest relative profit to be earned by the farm in question.

84. (Once Amended) An article of manufacture [A method] as defined in claim 69 wherein the machine readable instructions cause the machine to determine [determining] possible offers [is] based in part upon at least one risk factor and profits to be earned by the farms in growing the crop of interest.

85. (Once Amended) An article of manufacture [A method] as defined in claim 70 wherein the aggregate economic profiles of the elevators

are based at least in part upon cost and risk associated with the farms
associated with the elevators.

86. (Once Amended) An article of manufacture [A method] as
defined in claim 70 wherein the aggregate economic profiles of the loaders are
based at least in part upon cost and risk associated with the farms associated
with the loaders.